

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **Rock Creek Cattle Co LTD  
Greg Lane  
913 Wisconsin Ave Ste 201  
Whitefish MT 59937-2135**
2. Type of action: **Application for Beneficial Water Use Permit No. 41B-30026022-76G**
3. Water source name: **Groundwater Wells**
4. Location affected by action: **NENENE, Sec 3, Twp 8N, Rge 10W, Powell County**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:  
**The applicant is requesting an appropriation of groundwater at a maximum rate of 50 gallons per minute (gpm) up to 30 acre-feet per year for a public water supply. The public water supply would provide water to the proposed Home Ranch Development – Phase 1 Subdivision. The appropriation would be obtained from two wells completed to a depth of 323 and 400 feet respectively. The proposed groundwater application would be used for domestic water for 20 homes and 5 outbuildings from January 1 to December 31 and 2 acres of lawn and garden from April 15 to October 15. This will be located in the NE of Sec 3, Twp 8N, Rge 10W, Powell County. The applicant proposes to allocate 25 acre-feet of their requested volume for domestic use and 5 acre-feet for lawn and garden. A 12,000 gallon tank will be utilized to balance water system demands.**

**The DNRC shall issue a water use permit to the applicant if the criteria in 85-2-311, MCA are met.**

Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

**Rock Creek Cattle Co LTD – Home Ranch Development Preliminary Plat  
Environmental Assessment – See file for contributors  
Montana Natural Heritage Program  
DRNC – Russell Levens, Hydrogeologist**

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

## **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant impact.**

**This proposed project would not affect chronically or periodically dewatered streams as identified by DFWP. The source is groundwater wells.**

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant impact.**

**The proposed project would not affect water quality in perennial streams. The source is groundwater wells.**

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **The applicant has demonstrated that water is physically and legally available according to the DNRC evaluation procedures. The applicant acknowledges a potential stream depletion impact of 7.5 acre-feet per year to nearby Rock Creek. Rock Creek Cattle Co. has submitted an augmentation application to mitigate potential impacts to the surface water source.**

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant impact.**

**The application is for groundwater wells and therefore will not impact any of the following: channel impacts, flow modifications, barriers, riparian areas, or dams. The wells were drilled in July of 2006 by a licensed well driller in accordance with the Montana Board of Water Well Contractors construction standards. The well referred to as PWS1 is drilled to a depth of 323 feet. The well has an 8" steel casing from +2 to 238 feet and a plastic casing from 219 to 259 feet. The pump is a Goulds 55GS with a 3 hp motor. The well referred to as PWS2 was drilled to a depth of 400 feet. The well has an 8" steel casing from +2 to 216 feet and a plastic casing from 197 to 337 feet. The pump is a Goulds 33GS with a 1 hp motor.**

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant impact.**

**According to information from the Montana Natural Heritage Program, there is one vascular plant of special concern in the vicinity. Information during the reconnaissance**

conducted for Rock Creek Cattle found no *Carex idahoensis* or Idaho Sedge present within the Phase 1 development area. Refer to the environmental assessment for Rock Creek Cattle contained in the application file.

Four vertebrate animal species of special concern are in the vicinity, although not in the Phase 1 development area. Three belong to the bird family and are as follows: *Accipiter gentilis* or Northern Goshawk, *Otus flammeolus* or Flammulated Owl and the *Dolichonyx oryzivorus* or Bobolink. The *Lynx canadensis* or Lynx is a species of special concern from the cat family. This project should not have an impact to any threatened or endangered species or species of special concern.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **No significant impact.**  
**This proposed project does not involve a functional wetland.**

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **No significant impact.**  
**This proposed project does not involve a pond.**

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No significant impact.**  
**Most of the development consists of a layer of glacial till. The till consists of cobble to boulder-size fragments within a clay-silt pattern. This material provides a stable base for building foundations and construction requirements. This proposed project should not cause a degradation of soil quality, alteration of soil stability or moisture content. Saline seep should not be a concern.**

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No significant impact.**  
**In the areas of construction the native plants and topsoil will be stripped and stockpiled for reclamation. Following construction of each element of the project the native topsoil and vegetation will be replaced as soon as it is feasible to do so. Watering as necessary will be done to promote re-growth.**

**There is an on-going noxious weed control program currently in place being administered by Trout Headwaters Inc. The patches of infestations of spotted knapweed will be treated before, during and after construction. The landowner is responsible for controlling any noxious weeds on the property.**

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No significant impact.**

**During the construction phase of the proposed project there may be a deterioration of air quality. This should be a temporary change and not have a lasting impact on the air quality in the area.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact.**

**The Grant-Kohrs National Historic Site is located immediately southwest of the Rock Creek Cattle Co ranch. The Grant-Kohrs ranch is a unit of the National Park System. The land surrounding the historic ranch retains a high degree of historic and scenic integrity. In other words, it remains virtually unchanged from the 1800's. It is important to the parks general management plan to preserve the view shed surrounding the Grant-Kohrs ranch. In order for the applicants to attain the density desired within the Planned Unit Development (PUD) area, 8000 acres of permanent open space must be provided within the confines of the designated PUD area. The PUD is being developed in phases and designation of the required open space will be done in phases as well. Within Phase 1 no cultural, historical or archaeological items, sites or structures of significance exist.**

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No significant environmental impacts have been identified at this time.**

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant impact.**

**The property is within the jurisdiction of Powell County. The Powell County Comprehensive Plan and Growth Policy, the Powell County Zoning and Development Regulations, and the Powell County Subdivision Regulations govern the proposed development. The ranch properties are in Planning/Zoning #4. The owner of the ranch has secured a PUD designed for approximately 8,200 acres of the ranch. Approximately 390 acres will be devoted to golf course use, 300 acres in platted residential lots and 15-20 acres committed to private roads. The developer is clustering the residential lots under a PUD. For Phase 1 with the 20 residential units, the permanent protection of 800 acres of open space will be provided.**

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No significant impact.**

**The proposed project would not impact access to or the quality of recreational and wilderness activities. To mitigate potential wildlife impacts, the covenants will restrict the use of development areas for livestock, prohibit free-roaming pets, and the feeding and hunting of wildlife on site. The grouping of the development will also minimize impacts to big game travel corridors. Wetland and stream bank areas will be left undisturbed. This will enhance waterfowl and songbird nesting areas. The intent of the development will be to maintain and preserve the existing ecosystem.**

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: **This proposed project should have no significant impact on human health. The proposed Phase 1 will be comprised of individual septic tanks at each unit including the fishing lodge and fitness center. Supply lines and mains will gravity flow, if possible, from the septic tanks or be pumped to a centralized dosing chamber. The dosing chamber would then pump wastewater to the designated drain field site. Plans and specifications for distribution and storage will have to be approved by DEQ.**

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes ☐ No ☒ **X**.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact. This project will increase the local and state tax base and revenues. An accurate forecast of anticipated tax revenue cannot be assessed at this time. A project of this type and size is unseen in Powell County.**
- (c) Existing land uses? **The existing property has long been a working cattle ranch and will continue as such independent of the proposed development. This proposed project changes the use of some of the land to a PUD referred to as the Home Ranch Development – Phase 1 Subdivision.**
- (d) Quantity and distribution of employment? **No significant adverse impact. This proposed project has the potential to increase the demand for services in the area and create employment opportunities.**
- (e) Distribution and density of population and housing? **No significant adverse impact. The development of this subdivision may have the potential of increasing the population growth around the City of Deer Lodge. However it is anticipated this proposed project will have a low number of year-round employees. Many of the**

responsibilities will be handled by existing Rock Creek Cattle Company ranch staff.

- (f) Demands for government services? **No significant adverse impact.** The residents of the subdivision would need fire and police protection. There may also be a need for medical/health services, solid waste disposal, postal services, etc. Fire protection will be provided by an existing rural fire district. The property is within the jurisdiction of the Powell County Sheriff's Department. The sheriff has determined the proposed development will not have a negative impact on his department. The developers will be responsible for the expense of updating the county's addressing and street-name database. It is anticipated the small seasonal population of Phase 1 should not burden the existing medical services including a hospital and emergency medical personnel. The proposed subdivision will contract with a private hauler to collect and dispose of its solid waste.
- (g) Industrial and commercial activity? **No significant adverse impact.** The subdivision will have some commercial use in the form of a fishing lodge and fitness center, etc. However, these establishments are not open to the public and will serve only property owners within the development and their guests.
- (h) Utilities? **No significant impact.** Qwest and NorthWestern Energy will provide the utilities for telephone, electricity and natural gas. All of the companies have been contacted regarding this subdivision.
- (i) Transportation? **No significant adverse impact.** The expected population of Phase 1 is 50 people. Typical traffic volume from the residential area can be estimated at 10 vehicle trips per day per residence. For the 20 units, there would be 200 trips per day. Estimating 10 employees and 10 guests per day at 2 vehicle trips per day the total number of vehicle trips per day is expected to be 240. This would occur mainly in the summer months.
- (j) Safety? **No significant adverse impact.** There may be safety impacts created by the increased traffic. The subdivision will increase the need for emergency services. At this time the small development has addressed most of the safety issues. For additional information on all aspects of the subdivision, refer to the Rock Creek Cattle Company Phase 1 Preliminary Plat Environmental Assessment.
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: The secondary impacts for this project are essentially unknown at this time. There are no other projects of this type and size in the surrounding areas.

Cumulative Impacts: The cumulative impacts for this project are essentially unknown at this time. There are no other projects of this type and size in the surrounding areas.

3. Describe any mitigation/stipulation measures:

The permit, if issued, would be subject to all prior existing water rights in the source of supply. In addition, an application for augmentation has been developed by the applicant to mitigate stream depletion from Rock Creek. The area is largely undeveloped with the nearest well not belonging to Rock Creek Cattle Company is 2 miles from the public water supply wells.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: **The no action alternative would prevent the applicant from obtaining water to develop a public water supply for the subdivision. If the permit was denied the individual owners of the property would have to drill their own wells. The result could be a greater potential for an adverse impact to water quality and quantity.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the permit as applied for by the applicant, or in some modified form considered reasonable.**
2. Comments and Responses: **There have not been any comments or responses at this time.**
3. Finding:  
Yes ☐ No ☒ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **Based on a consideration of the criteria found in DNRC Administrative Rule 36.2.524, "Determining the Significance of Impacts," there is not a sufficient adverse impact. An EA is sufficient for this level of action. The possible impacts from the community water system wells for the Phase 1 Subdivision are not significant adverse impacts and thus do not warrant an EIS.**

Name of person(s) responsible for preparation of EA:

Name: Kathy Arndt

Title: Water Resources Specialist

Date: March 6, 2007